

REMARKS

Claims 22-37 are pending in the application. Claims 1-21 are cancelled. Although no claims are amended, the claim listing is included for the Examiner's convenience. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of remarks contained herein.

Applicant respectfully notes that if the Examiner relies on a new ground of rejection or a new reference in rejecting the claims in the next Office Action, a Final Office Action would not be appropriate since no amendments have been made to the claims. Under present practice, Office Actions where the Examiner introduces a new ground of rejection shall be final only when the new ground of rejection is necessitated by Applicant's amendment of the claims. See MPEP § 706.07(a).

REJECTION UNDER 35 U.S.C. § 103

Claims 22-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2003/0167345 ("Knight") in view of U.S. Pat. No. 7,424,707 ("De Boer"). This rejection is respectfully traversed.

Claim 22 recites multiple vehicle processors each adapted to generate diagnostic information indicating success of software installation on the respective vehicle processor. Claim 22 further recites an interface processor that identifies software files stored on a portable memory device for each of the multiple vehicle processors, loads the identified software files onto the multiple vehicle processors, and transmits diagnostic information received from the multiple vehicle processors to the portable memory device.

Neither Knight nor De Boer teaches or suggests transmitting diagnostic information received from the multiple vehicle processors to the portable memory device, as claim 22 recites.

The Examiner does not assert that De Boer teaches this limitation and instead relies on Knight. However, Knight is also silent in this regard. To teach the transmitting diagnostic information from multiple vehicle processors limitation, the Examiner points only to FIG. 1B, element 112 of Knight. FIG. 1B is reproduced here:

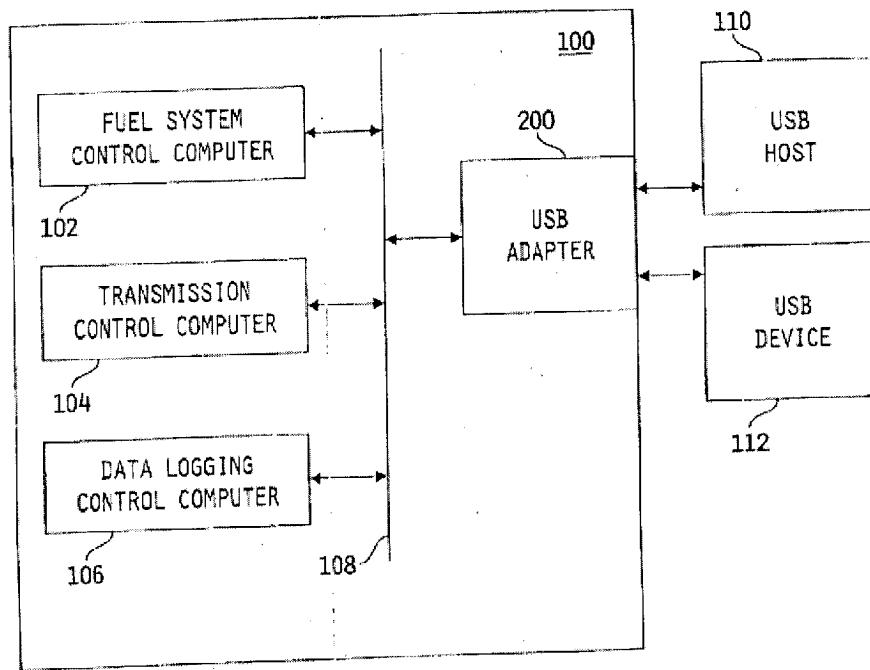


FIG. 1B

As evident in above, there is no teaching or suggestion in FIG. 1B, explicit or implicit, of any element that transmits diagnostic information from multiple vehicle processors, as claim 22 recites. The Examiner does not point to any relevant teaching in the written description of Knight, and Applicant is similarly unable to identify any such teaching or suggestion. As such, Applicant respectfully submits that Knight fails to

teach or suggest transmitting diagnostic information received from the multiple vehicle processors to the portable memory device, as claim 22 recites

In the interest of expediting prosecution, Applicant has further considered the applicability of the Examiner's arguments concerning a related limitation of claim 22. Regarding this related limitation, the Examiner asserts that the USB Host 110 (seen in FIG. 1B above) is an external processor "adapted to receive the diagnostic information from the portable memory device." However, the Examiner's only support for this proposition is claim 44 of Knight (page 29, right-hand col., lines 6-11), reproduced here:

44. The communications bridge of claim 43 wherein said DSP includes a voltage measuring input monitoring said charging voltage produced by said power supply, said DSP measuring said charging voltage and providing a resulting measured voltage value to said PDA via a diagnostic message transmitted by said second transceiver.

Claim 44 of Knight appears to relate to a power supply 234 and an external battery charger 236 of FIG. 12. As indicated in claim 44 itself, the DSP is simply measuring a charging voltage. According to claim 43, from which claim 44 depends, the charging voltage is used to power an external battery charging circuit. The Examiner's implied argument appears to be that the measured charging voltage is analogous to the diagnostic information of claim 22. However, a measured charging voltage is not analogous to diagnostic information **received from multiple vehicle processors**. Even more specifically, a measured charging voltage is not analogous to diagnostic information received from multiple vehicle processors, where the diagnostic information **indicates success of software installation on the respective vehicle processor**.

Claim 22 therefore includes limitations not taught by either reference. It is a longstanding rule that to establish a prima facie case of obviousness of a claimed

invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 143 (CCPA 1974). See MPEP § 2143.03. For at least the above reasons, Applicant respectfully asserts that claim 22 defines over the cited art.

Independent claims 27 and 32 include similar limitations and are therefore allowable for at least similar reasons as claim 22. Dependent claims 23-26, 28-31, and 33-37 ultimately depend from one of claims 22, 27, and 32, and are therefore allowable for at least similar reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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